

Town of Horicon Planning Board

Minutes of December 16, 2009

Members Present: Bill Bruce, Harry Balz, Mike Raymond, Doug Paton, Jim Remington Alternate: Georgia McMeekin

Members Absent: Alternate: Dennis Doyle

Others Present: Zoning Administrator Gary McMeekin, ZBA member Gary Frenz and Jim Steen, ZBA Chair Priscilla Remington

Guests Present: Charles and Brett Scudder, Bill McGhie, Tom Johansen, Dan Smith, John Silvestri, Tom and Nadine Mageen

Pledge

PUBLIC HEARING:

File # 2009-30 AD Tax Map 73.-1-12 and 90.-1-1 Richard Diehl seeking a four lot subdivision on parcels located off Grassville Rd in the LC-10 and LC-42.6 acre zones. The applicant is being represented by Charles Scudder P.E. Charles Scudder presented the board with a revised plan allowing for each lot to maintain 400' for road frontage, demonstrating to the board that Lot #4 will be modified by adding 2 acres to conform to the 42.6 acre requirement for the zone. The board agreed that there is more than enough acreage to adjust the line to make all lots conforming. Discussion ensued regarding the road definition. Charles Scudder requested the board grant relief from the private street requirements. Bill Bruce read letter that was received from the Fifteen Point Hunting Club opposing the project. Discussion ensued regarding the width and length of the right-of-way and the relief request for the road standards. Charles Scudder stated that the driving surface would be ten feet with two foot shoulders on either side. Bill Bruce asked if anyone had any further comments or questions. Being no further comments or questions, Harry Balz made a motion to close the public hearing, 2nd by Doug Paton. All Ayes.

The regular meeting of the Planning Board was called to order by Chair, Bill Bruce.

Motion to approve the **November minutes** as written was made by Harry Balz, 2nd by Mike Raymond. All Ayes.

UNFINISHED BUSINESS:

File # 2009-30 AD Tax Map 73.-1-12 and 90.-1-1 Richard Diehl seeking a four lot subdivision on parcels located off Grassville Rd in the LC-10 and LC-42.6 acre zones. The applicant is being represented by Charles Scudder P.E. Harry Balz stated that the applicant has created a bizarre layout in order to conform to the road frontage and acreage requirements and a private driveway as defined by our present regulations requires a 20' travel lane with 2' shoulders and the board should not reduce this to 10'. Mike Raymond and Doug Paton stated that they agree with Harry Balz. Bill Bruce stated that he can not see reducing the road to half of the requirement. Jim Remington stated that the road should be 20'. The applicant's representative was asked if the right-of-way could be widened. Charles Scudder stated no. After a lengthy discussion ensued regarding the private road, right of way, the turnaround, passing areas, length of road, turnouts and the relief requested Doug Paton made a motion to table the application, 2nd by Harry Balz. All Ayes.

File #2009-24 CU Tax map 53.-3-44 Mary Ann Warren seeking a Conditional Use to expand living space, provide assistance for senior living on parcel located at 34 Warren Ave in the RRD-10 acre zone. Bill Bruce read correspondence from Miller, Mannix, Schachner and Hafner regarding the second home located on Warren Ave and the boards responsibility regarding the driveway. After a brief discussion regarding the driveway width, Harry Balz made a motion to approve the Conditional Use seconded by Doug Paton. All Ayes.

NEW BUSINESS:

File #2009-32 SD Tax Map 54.-1-2.1 Thomas and Nadine Magee seeking a 2 lot subdivision on parcel located on Pease Hill Rd. Attorney Dan Smith representing the applicant stated that the wetlands have been flagged by the APA but the APA has misplaced the paperwork. Attorney Dan Smith continued to state that the applicants intention is to place a mobile home on the parcel and the new parcels comply with all the requirements of the zone. Harry Balz made a motion to deem the application complete and schedule a public hearing requesting that the applicant provide information from the APA regarding the permit, 2nd by Doug Paton. All Ayes.

File #2009-33 SD Tax Map 38.16-1-8.3 Malanchuck, seeking a 2 lot subdivision on parcel located on Horicon Birches Rd. John Silvestri representing the applicant stated that letters were submitted by adjoining owners consenting to the dispersion of the lots, requesting that the public hearing be waived and adding that these lots include wetlands and are subject to APA jurisdiction. Jim Remington reiterated that lot 23 would not be a building lot. John Silvestri confirmed that the deed would indicate that there are no building rights. Brief discussion ensued regarding the tree removal from the shoreline. Mike Raymond made a motion to deem the application complete and schedule a public hearing, 2nd by Jim Remington. All Ayes.

REFERRAL:

File #2009-25 AV Tax map 55.10-1-22 Golden Pond/Farrrell per revised pot plan for wastewater replacement dated on October 23, 2009 seeking a 50' shoreline setback variance, a 5' side yard setback variance and a 3' side yard setback back variance to build a 3800+ square foot home on parcel located at 686 Palisades Rd. Gary Frenz stated that his is the ZBA member that requested this application be forwarded to this board for referral for recommendation regarding the storm water runoff, the size of the home vs the size of the property and the height and width of the proposed structure. Harry Balz stated that the home has increased in size and there are new SPEEDIES regulations and has questions as to setbacks, percentage of land occupied. Gary McMeekin stated that there are no local laws for percentage of lots occupied. Mike Raymond questioned the amount of dirt removal and the fact that this house would overwhelm the properties on either side, as the existing home is 600 square feet and the proposed height is 39'10". Priscilla Remington, ZBA Chair stated that the first proposal the ZBA received was for shoreline setback only and the home increased in size. Mike Raymond stated that the decks are not included in the square footage along with the basement living area. Bill Bruce stated that the board could consider what might be as well as what is being proposed regarding livable area in the home. Mike Raymond stated that a number of the neighbors do not like the proposal. Doug Paton stated that the home is too excessive on the lot. Bill Bruce stated that the ZBA is not dealing with a home on the same footprint and the requests are too excessive for the size of the lot. Mike Raymond stated that he would not like to see a home like the Long house and would like to see a topo map and information regarding the fill and the actual height of the new home taking into account the original grade. Harry Balz stated that there is a difference in architect elevation opposed to a dimensional grade and the applicant can not alter the ground. After a brief discussion, Harry Balz stated that the ZBA should calculate the area, height of the structure, the elevation

grade and require the applicant to build on the existing grade, along with calculate the runoff and define how to contain the runoff on the site, protecting and preserving the lake. The board members agreed that the size of the home is excessive and the effects of the storm water runoff is not good for the lake or surrounding properties. Bill Bruce made a motion to recommend that the ZBA not approve the requested variances stating the reasons previously stated, 2nd by Harry Balz. All Ayes.

File # 2009-30 AD Tax Map 73.-1-12 and 90.-1-1 Richard Diehl. After a brief discussion, the board made a motion to open the public hearing, 2nd by Jim Remington. All Ayes.

Board Privilege: Harry Balz stated that he and Gary McMeekin attended the Storm Water Management training and would like to set up a library in the Zoning Office in order for members to do research.

Training January 25, 2010 Saratoga. Doug, Bill, Harry, Mike, Jim Steen, Gary Frenz stated that they would like to attend.

Correspondence from Matt Fuller representing BLHHOA

Being no further business, Chair Bill Bruce adjourned the meeting at 9:35 PM

Respectfully Submitted
Christine Smith-Hayes, Secretary